

SMITH, SOVIK,
KENDRICK & SUGNET, P.C.

ATTORNEYS AT LAW

250 SOUTH CLINTON ST., SUITE 600
SYRACUSE, NEW YORK 13202-1252

FACSIMILE: 315-474-6015

STEVEN WARD WILLIAMS

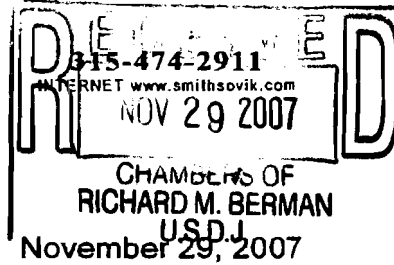
Voice Mail Extension 109

swilliams@smithsovik.com

JOHN TIMOTHY SMITH (1902-1964)
NELSON J. SMITH (1929-1957)
MARTIN F. KENDRICK (1917-1983)
LAURENCE SOVIK (1964-1998)

WILLIAM E. SUGNET, RETIRED
JAMES A. O'SHEA, RETIRED

LAURENCE F. SOVIK
JAMES D. LANTIER
MICHAEL P. RINGWOOD
KEVIN E. HULSLANDER
ERIC G. JOHNSON
STEVEN WARD WILLIAMS
MARY KENDRICK-GAFFNEY
JAMES W. CUNNINGHAM
ROBERT P. CAHALAN
PATRICK B. SARDINO
BRANDON R. KING
GABRIELLE MARDANY HOPE
KRISTIN L. NORFLEET
KRISTEN M. BENSON
DAVID A. D'AGOSTINO
ALICIA M. TISOELL
DANIEL R. RYAN
KELLY C. MURRAY
SUZANNE K. LEHMAN



MEMO ENDORSED

VIA ECF & FACSIMILE - 212-805-6717

Honorable Richard M. Berman
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Livingston v. Keya Morgan et al / 07 CV 7835 (RMB) (KNF)

Date: 11/30/07

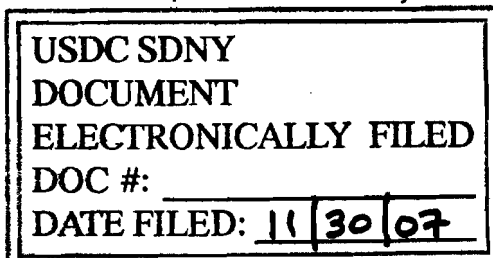
Richard M. Berman
Richard M. Berman, U.S.D.J.

Dear Judge Berman:

As Your Honor may recall, I filed a complaint on behalf of Pete Livingston on September 5, 2007. Subsequently, we amended that complaint and filed it with the court. I have been trying to serve the complaint on the defendant. My process server, however, has run into a great deal of difficulty in serving the defendant. We have a good number of potential addresses for the defendant, but none of them ultimately lead to any connection with the defendant. More specifically, most of the addresses are either post office boxes or mail service centers. The one address that related to an actual apartment revealed an individual living there who claims to have no knowledge or information regarding the defendant.

My client previously attempted to commence a lawsuit against Morgan in the State of California. My client attempted to serve the defendant at that time as well and ran into the same difficulties. My client therefore moved for a default judgment. An attorney from Los Angeles, Alan Martini, appeared for the defendant in the California court and filed a motion to vacate the default judgment for lack of proper service. That motion was granted.

In an effort to make some contact with the defendant prior to tomorrow's scheduled conference, I sent a copy of the original complaint and the amended complaint to Attorney Martini via federal express. Federal express informs me that the



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SMITH, SOVIK, KENDRICK & SUGNET, P.C.

November 29, 2007

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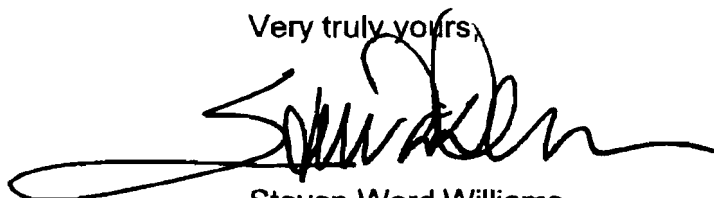
package was received by Attorney Martini this morning 9:30 California time. Along with the complaint and amended complaint, I included a cover letter to Attorney Martini. In that letter, I asked that he accept service on behalf of his client Keya Morgan a/k/a Keyarash Mazhari aka Keya Mazhari, Keya Gallery. Further, I asked that he notify his client of tomorrow's conference and notify me if his client intends to appear. I electronically filed a copy of that letter with the court.

I received no response from Attorney Martini. Consequently, at 2:00 p.m. this afternoon, I telephone Martini to find out whether he plans to accept service on behalf of his client and to determine if his client intends to appear for tomorrow's conference. The operator put me through to his voice mail. I left a message asking that he telephone me. I have not heard from him.

Given the uncertainty regarding defendant's receipt of the complaint and whether he intends to appear at tomorrow's conference, I respectfully request that tomorrow's conference be adjourned. Further, I respectfully request an Order of this Court allowing plaintiff to serve defendants by publication of the action in a local newspaper in the town of defendants' last known address pursuant to FRCP Rule 4. If such service is agreeable to Your Honor, I respectfully request that you so order it by signing the bottom of this document in the space provided.

Of course, Your Honor's attention to this matter is greatly appreciated.

Very truly yours,



Steven Ward Williams

/fg

c: Alan Martini, Esq. (via fax: 408.295.9900)

So Ordered:

Honorable Richard M. Berman